

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MICHAEL L. DEGLER, JR.,)	CASE NO. 3:05 CV 1449
)	
Petitioner,)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
ROB JEFFREYS,)	<u>AND ORDER</u>
)	
Respondent.)	

On May 20, 2005, petitioner pro se Michael L. Degler filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. Degler is incarcerated in an Ohio penal institution, having been convicted, pursuant to a guilty plea, of theft from an elderly person in 2003. The petition asserts that the trial court lacked jurisdiction to revoke Degler's community control sentence for a violation, as the violation occurred prior to the actual imposition of the sentence. For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the United States. Furthermore, the petitioner must have exhausted

all

available state remedies. 28 U.S.C. § 2254.

The issue of whether or not an Ohio trial court's untimely filing of a judgment of sentence deprives it of jurisdiction is an issue of state law. It is not the province of this court to reexamine state-court determinations on state-law questions. Estelle v. McGuire, 502 U.S. 62, 67-68 (1991). There is simply no basis set forth in the petition which arguably supports the proposition that the state law issue raised by Degler implicates his federal constitutional rights.

Accordingly, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

S/Peter C. Economus - 7/25/05
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE